IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2949 OF 2006

CHANDU TULSIDAS PAHUJA ... Petitioner
vs.
MUNICIPAL CORPORATION OF GR. BOMBAY AND ORS. ... Respondents

P. N. Kulkarni i/b.
Ashwini V. Sakpal for petitioner
A. R. Shaikh for respondent /BMC.

CORAM : J. N. PATEL & A.A. SAYED JJ.
DATE : July , 19, 2007

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner is a member of Atlanta Cooperative Housing Society Limited and by virtue of being a member he is holding flat no. 603 in Evershine Nagar, Malad West, Mumbai. The prayer of the petitioner is for a direction to the respondent Corporation to act as per the order dated 16th February 2006 in Writ Petition No. 2833 of 2005 to take necessary action against the persons occupying the premises of the Society who have made addition / alteration in their premises and also in the open spaces within the premises of the society.
3. An affidavit dated 18th July has been filed by the respondent Corporation showing compliances of the various interim orders passed in this petition. The affidavit states that 31 notices were issued to various commercial and residential premises in Atlanta Cooperative Housing Society Limited pursuant to orders of this court and 29 members have reinstated the premises to its original condition and also removed the unauthorized constructions except for flat no. 102 and flat no. C-603 which is the petitioner's flat. So far as flat no.102 is concerned as per

this affidavit a complaint under MRTP has been lodged and FIR has been filed and so far as petitioner's flat no. C-603 is concerned the petitioner has procured an injunction against the respondent Corporation from the Bombay City Civil Court. The affidavit further states that action would be taken as per the orders passed by the City Civil Court.

4. In para 4 of the affidavit it is stated that the building was inspected and all the illegal work in front of the shops, terrace and in the individual flats have been removed. A letter dated 16.7.2007 of the petitioner has been annexed to the said affidavit wherein the petitioner has stated that he is satisfied with the demolition and unauthorized work carried out by the respondent.
5. The counsel for the Corporation makes a statement that the necessary action against flat no. 102 and flat no. C-603 will be taken to its logical conclusion and the unauthorized additions/ alterations from the said flats would be removed. We accept the statement of the counsel for the Corporation.
6. In the circumstances aforesaid we find that the grievances of the petitioner have been substantially complied with. We therefore dispose of the petition as nothing survives in the petition. Petition stands disposed of accordingly with no order as to costs.

[J. N. PATEL J.]

[A.A. SAYED J.]